

Message Text

UNCLASSIFIED

PAGE 01 LONDON 12464 01 OF 03 261325Z

44

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

OIC-04 CIAE-00 COME-00 DODE-00 EB-11 FMC-04 INR-10

NSAE-00 RSC-01 CG-00 COA-02 DLOS-06 SCI-06 CEQ-02

EPA-04 AF-10 ARA-16 EA-11 NEA-10 PA-04 PRS-01 L-03

SS-20 NSC-10 DRC-01 IOE-00 INT-08 SCEM-02 /186 W

----- 086103

O 261255Z OCT 73

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 5092

INFO USMISSION USUN NEW YORK IMMEDIATE

UNCLAS SECTION 01 OF 03 LONDON 12464

E.O. 11652: N/A

TAGS: IMCO, PBOR, SENV, ETRN

SUBJECT: IMCO MARINE POLLUTION CONFERENCE, SUMMARY

OCTOBER 17 - 25

1. SUMMARY: COMMITTEES I, II AND III COMPLETED WORK EXCEPT FOR CONSIDERATION OF RESOLUTION AND FEW MINOR ITEMS BY COMMITTEE I. COMMITTEE IV BEGINS WORK TODAY. DRAFTING GROUP CONTINUING TO WORK ON COMPLETED TEXTS AND PLENARY SCHEDULED TO OPEN MONDAY, OCTOBER 29. END SUMMARY.

2. COMMITTEE I

(A) 17 OCTOBER 1973 - SEVENTH SESSION - THE COMMITTEE ADOPTED COMPROMISE PACKAGE ON JURISDICTIONAL ISSUES RAISED IN ARTICLES 4 AND 9. ALTERNATIVE I OF ARTICLE 4 WAS DISMISSED AS UNACCEPTABLE. THE COMPROMISE ADOPTED COMPROMISE PACKAGE ON JURISDICTIONAL ISSUES RAISED IN ARTICLES 4 AND 9. ALTERNATIVE I OF ARTICLE 4 WAS DISMISSED AS UNACCEPTABLE. THE COMPROMISE PACKAGE WAS REACHED BY REPRESENTATIVES OF THE "COASTAL STATE" UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LONDON 12464 01 OF 03 261325Z

AND "MARITIME STATE" GROUPS. ARTICLE 4 AS ADOPTED READS:

"(1) ANY VIOLATION OF THE REQUIREMENTS OF THE PRESENT CONVENTION SHALL BE PROHIBITED UNDER THE LAW OF THE ADMINISTRATION OF THE SHIP CONCERNED WHEREVER THE VIOLATION OCCURS. IF THE ADMINISTRATION IS INFORMED OF SUCH A VIOLATION AND IS SATISFIED THAT SUFFICIENT EVIDENCE IS AVAILABLE TO ENABLE PROCEEDINGS TO BE BROUGHT IN RESPECT OF THE ALLEGED VIOLATION, IT SHALL CAUSE, IN ACCORDANCE WITH ITS LAWS, SUCH PROCEEDINGS TO BE TAKEN AS SOON AS POSSIBLE.

(2) ANY VIOLATION OF THE REQUIREMENTS OF THE PRESENT CONVENTION WITHIN THE JURISDICTION OF ANY CONTRACTING STATE SHALL BE PROHIBITED UNDER THE LAW OF THAT STATE. WHENEVER SUCH A VIOLATION OCCURS, THAT STATE SHALL EITHER:

(A) CAUSE PROCEEDINGS TO BE TAKEN IN ACCORDANCE WITH ITS LAW, WITH RESPECT TO SUCH VIOLATION, OR

(B) FURNISH TO THE ADMINISTRATION OF THE SHIP SUCH INFORMATION AND EVIDENCE AS MAY BE IN ITS POSSESSION THAT A VIOLATION HAS OCCURRED.

(3) WHERE INFORMATION OR EVIDENCE WITH RESPECT TO ANY VIOLATION OF THE CONVENTION BY A SHIP IS FURNISHED TO THE ADMINISTRATION OF THAT SHIP, THE ADMINISTRATION SHALL PROMPTLY INFORM THE STATE WHICH HAS FURNISHED THE INFORMATION OR EVIDENCE AND THE ORGANIZATION, OF THE ACTION TAKEN.

(4) THE PENALTIES SPECIFIED UNDER THE LAW OF A CONTRACTING STATE PURSUANT TO THIS ARTICLE SHALL BE ADEQUATE IN SEVERITY TO DISCOURAGE VIOLATIONS OF THIS CONVENTION AND SHALL BE EQUALLY SEVERE IRRESPECTIVE OF WHERE THE VIOLATIONS OCCUR."

(B) ARTICLE 9 AS ADOPTED READS:

"(1) UPON THE ENTRY INTO FORCE OF ANNEX I, THE PRESENT CONVENTION SUPERSEDES THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954, AS AMENDED, AS BETWEEN CONTRACTING STATES.

(2) NOTHING IN THE PRESENT CONVENTION SHALL PREJUDICE THE CODIFICATION AND DEVELOPMENT OF THE LAW OF

ANNENBERG

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 LONDON 12464 02 OF 03 261326Z

42

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00

INRE-00 OIC-04 CIAE-00 COME-00 DODE-00 EB-11 FMC-04

INR-10 NSAE-00 RSC-01 CG-00 COA-02 DLOS-06 SCI-06

CEQ-02 EPA-04 AF-10 ARA-16 EA-11 NEA-10 PA-04 PRS-01

L-03 DRC-01 SS-20 NSC-10 SCEM-02 INT-08 /186 W

----- 086052

O 261255Z OCT 73

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 5093

INFO USMISSION USUN NEW YORK IMMEDIATE

UNCLAS SECTION 02 OF 03 LONDON 12464

THE SEA BY THE UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA CONVENED PURSUANT TO RESOLUTION 2750 C(XXV) OF THE GENERAL ASSUMBLY OF THE UNITED NATIONS NOR THE PRESENT OR FUTURE CLAIMS AND LEGAL VIEWS OF ANY STATE CONCERNING THE LAW OF THE SEA AND THE NATURE AND EXTENT OF COASTAL AND FLAG STATE JURISDICTION.

(3) THE TERM JURISDICTION IN THE PRESENT CONVENTION, SHALL BE CONSTRUED IN THE LIGHT OF INTERNATIONAL LAW IN FORCE AT THE TIME OF APPLICATION OR INTERPRETATION OF THE PRESENT CONVENTION.

(C) 18 OCTOBER 1973 - EIGHTH SESSION - A REVISED PROPOSAL ON PORT STATE JURISDICTION, SUBMITTED BY AUSTRALIA, CANADA AND NEW ZEALAND, WAS CONSIDERED. IN SPITE OF JAPANESE SUPPORT, THE REVISED PROPOSAL WAS DEFEATED BY A SUBSTANTIAL MARGIN, 16(US) - 25 - 10, AFTER SEVERAL OPPONENTS OF THE PRINCIPLE ARGUED THAT CONCESSIONS MADE BY CO-SPONSORS WERE BASICALLY COSMETIC.

(1) ARTICLE 8 WAS CONSIDERED, BUT ACTION WAS ULTIMATELY DEFERRED IN THE HOPE THAT INFORMAL NEGOTIATION WOULD LEAD TO RESOLUTION OF HIGHLY SENSITIVE ISSUES REPRESENTED BY PENDING PROPOSALS. US NOTED THAT IT HAD UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LONDON 12464 02 OF 03 261326Z

SUPPORTED ARTICLE 8(1) AT PREPARATORY MEETINGS, BUT THAT WE BELIEVED IT TO BE LEGALLY UNNECESSARY, AND THAT WE OPPOSED ARTICLE 8(2).

(2) SPAIN'S PROPOSAL TO ADD SUBSTANCE OF ALTERNATIVE I OF ARTICLE 4(1) TO ARTICLE 1, AND A CANADIAN PROPOSAL FOR ARTICLE 7 (RE REPORTING OF DISCHARGES) WAS ADOPTED, 20(US) - 15 - 11, ON THE UNDERSTANDING THAT PRECISE CONTENTS OF SUCH REPORTS WOULD BE INCLUDED IN AN ANNEX TO BE PRODUCED BY ONE OF TECHNICAL COMMITTEES.

(D) 19 OCTOBER 1973 - NINTH SESSION - THE COMMITTEE

ADOPTED COMPROMISE VERSION OF ARTICLE 8. SEE EARLIER CABLES.

(1) ARTICLE 11 (COMMUNICATION OF INFORMATION), WITH MINOR CHANGES, WAS ADOPTED UNANIMOUSLY.

(E) 20 OCTOBER 1973 - TENTH SESSION - COMMITTEE COMPLETED ACTION ON ARTICLES 5 (CERTIFICATES AND INSPECTIONS) AND 6 (DETECTION OF OFFENCES) AND ADOPTED NEW ARTICLE 6 BIS, PROVIDING FOR COMPENSATION TO SHIP UNDULY DELAYED BY PORT STATE'S ACTIONS UNDER ARTICLES 4, 5 OR 6.

(1) AFTER DEBATE, NO ACTION WAS TAKEN ON ARTICLE 10 (DISPUTE SETTLEMENT), PENDING PREPARATION BY SECRETARIAT OF WORKING PAPER INCORPORATING ALL PENDING ALTERNATIVES. ARTICLE 12 WAS THEN UNANIMOUSLY ADOPTED, WITHOUT AMENDMENT.

(F) 22 OCTOBER 1973 - ELEVENTH SESSION - COMMITTEE ADOPTED ALTERNATIVE II OF ARTICLE 10 (SETTLEMENT OF DISPUTES) AND ANNEX THERETO, AS AMENDED. IN ADOPTING ARTICLE 13 (SIGNATURE, RATIFICATIONS, ACCEPTANCE, APPROVAL, AND ACCESSION), THE "ALL STATES" FORMULA WAS ADOPTED BY A VOTE OF 25 - 11(US) - 8. FOOTNOTE 43, CONTAINING DRAFT ARTICLE ON SUSPENSION IN CASES OF WAR, WAS DROPPED.

(1) ARTICLE 14 (RESERVATIONS) WAS DELETED UPON US MOTION SUPPORTED BY MEXICO, SPAIN, USSR, CANADA, AND URUGUAY, BY A VOTE OF 28 - 11 - 7.

(2) AFTER EXTENSIVE DEBATE ON ARTICLE 15 (OPTIONAL ANNEXES), IT WAS ADOPTED BY A VOTE OF 36(US) - 1 - 9 WITH CERTAIN CHANGES. AS ADOPTED, ANNEXES I AND II ARE MANDATORY, ANNEXES III, IV, AND V ARE OPTIONAL, AND NO RESERVATIONS ARE PERMITTED TO ANNEXES.

(G) 23 OCTOBER 1973 - TWELFTH SESSION - AFTER SERIES OF INDICATIVE VOTES ON VARIOUS FACTORS IN ARTICLE 16 UNCLASSIFIED

UNCLASSIFIED

PAGE 03 LONDON 12464 02 OF 03 261326Z

(ENTRY INTO FORCE), DECISION WAS TAKEN TO SET REQUISITE NUMBER OF STATES AT 15 AND PERCENTAGE OF WORLD TONNAGE AT 50 PERCENT.

(1) ARTICLE 17 (AMENDMENTS) WAS TAKEN UP. WORKING PAPER, CO-SPONSORED BY US, SUGGESTED THAT COMMITTEE DECIDE IN PRINCIPLE ON NINE SUBSTANTIVE QUESTIONS, AND REFER SUCH DECISIONS TO WORKING GROUP. PROPOSAL WAS REJECTED IN FAVOR OF FRENCH PROPOSAL, WHICH, IT WAS AGREED, WOULD BE USED AS BASIS FOR FURTHER DISCUSSIONS.

(H) 24 OCTOBER 1973 - THIRTEENTH SESSION - COMMITTEE COMPLETED ACTION ON ARTICLES 18 (DENUNCIATION), 20 (DEPOSIT AND REGISTRATION), 21 (LANGUAGES), PREAMBLE AND ARTICLE 1, AFTER MINOR AMENDMENTS, AND DELETED ARTICLE 19 (TERRITORIES).

(1) THREE RESOLUTIONS WERE ALSO ADOPTED: (A) URGING FURTHER STUDY WITHIN IMCO OF ADDITIONAL REGULATIONS ON OIL DISCHARGES, AND (B) URGING RATIFICATION OF THE 1969

AMENDMENTS, AND (C) STUDY OF UNIFORM MINIMUM PENALTIES.
USSPONSORED RESOLUTION, URGING LOS CONFERENCE TO CONSIDER
PORT STATE ENFORCEMENT WAS DEFEATED, 14(US) -25 - 11.

(I) 25 OCTOBER 1973 - FOURTEENTH SESSION - COMMITTEE
SPENT ENTIRE DAY COMPLETING ACTION ON ARTICLE 17 (AMEND-

ANNENBERG

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 LONDON 12464 03 OF 03 261324Z

45

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00

INRE-00 OIC-04 CIAE-00 COME-00 DODE-00 EB-11 FMC-04

INR-10 NSAE-00 RSC-01 CG-00 COA-02 DLOS-06 SCI-06

CEQ-02 EPA-04 AF-10 ARA-16 EA-11 NEA-10 PA-04 PRS-01

L-03 DRC-01 SS-20 NSC-10 SCEM-02 INT-08 /186 W

----- 086048

O 261255Z OCT 73

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 5094

INFO USMISSION USUN NEW YORK IMMEDIATE

UNCLAS SECTION 03 OF 03 LONDON 12464

MENTS). DEBATE CENTERED LARGELY ON ISSUE OF IMCO INVOL-
VEMENT IN AMENDMENT PROCEDURE, AND ON VOTING PARTICIPATI-
ON IN AN IMCO BODY (PRESUMABLY MEPC) BY NON-MEMBERS
WHO BECAME PARTIES TO THE CONVENTION. COMPROMISE FINALLY
ACHIEVED CONTAINS FOLLOWING ELEMENTS:

(1) REFERRAL OF AMENDMENTS "BY THE ORGANIZATION TO
AN APPROPRIATE BODY" (PRESUMABLY MEPC);

(2) NO FURTHER CONSIDERATION OF AMENDMENTS BY THE
IMCO ASSEMBLY;

(3) PARTICIPATION BY ALL IMCO MEMBERS AND PARTIES
IN THE APPROPRIATE BODY, BUT VOTING BY PARTIES ONLY;

(4) ACCEPTANCE OF AMENDMENTS TO ARTICLES BY TWO-
THIRDS OF PARTIES, HAVING 50 PERCENT OF WORLD MERCHANT
TONNAGE;

(5) TACIT ACCEPTANCE OF AMENDMENTS TO ANNEXES SUBJECT TO OBJECTION ONE-THIRD OF THE PARTIES, OR BY PARTIES HAVING 50 PERCENT WORLD MERCHANT TONNAGE, UNLESS APPROPRIATE BODY DETERMINES, AT TIME OF ADOPTION OF AMENDMENT, TO REQUIRE EXPRESS ACCEPTANCE AS REQUIRED WITH RESPECT TO AN AMENDMENT OF THE ARTICLES; PROVIDED THAT, PRIOR TO AN AMENDMENT'S ENTRY INTO FORCE BY TACIT ACCEPTANCE, ANY UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LONDON 12464 03 OF 03 261324Z

PARTY MAY DECLARE THAT ITS EXPRESS ACCEPTANCE WILL BE REQUIRED WITH RESPECT TO SUCH AMENDMENT;

(6) TACIT ACCEPTANCE OF AMENDMENTS TO APPENDICES TO ANNEXES, UPON AT LEAST 10 MONTHS NOTICE;

(7) ENTRY INTO FORCE 6 MONTHS AFTER ACCEPTANCE;

(8) NEW ANNEXES TO BE TREATED LIKE AMENDMENTS TO ARTICLES;

(9) AMENDMENTS BY CONFERENCE OF PARTIES.

3. COMMITTEE II

(A) DELIBERATIONS ON ANNEX I COMPLETED. CHAIRMAN REQUIRED VOTE ON EACH CHAPTER TO SIGNIFY APPROVAL OR DISAPPROVAL OF TEXT. ALL CHAPTERS APPROVED WITHOUT DISSENTING VOTE. NETHERLANDS ABSTAINED ON CHAPTER II, MAKING STATEMENT EXPRESSING SERIOUS RESERVATIONS ABOUT WORKABILITY OF REGULATION 9, PROVISIONS AS THEY APPLY TO LIGHT OILS, AND INDICATING DOUBT THAT NETHERLANDS AND OTHER GOVERNMENTS COULD RATIFY BEFORE MONITORING DEVICES FOR LIGHT OILS ARE ON THE MARKET. WHILE UK VOTED IN FAVOR CHAPTER II AND REMAINED SILENT ON ISSUE, UK BELIEVED TO HAVE ENCOURAGED NETHERLANDS' ACTION. THIS AND RELATED INFORMAL COMMENTS BY UK AND OTHERS SUGGESTS THAT DELEGATIONS WHO LOST ON TWO CATEGORIES OF OIL IN COMMITTEE II MAY ATTEMPT TO RAISE ISSUE AGAIN IN PLENARY.

(B) ANNEX I TEXT REFERRED TO DRAFTING COMMITTEE.

(C) COMMITTEE COMMENCED WORK ON RESOLUTIONS AND ANNEXES IV AND V.

(D) FOLLOWING ARE HIGHLIGHTS ON ANNEX I PROVISIONS SUPPLEMENTING INFO CONTAINED IN PREVIOUS MESSAGE SUMMARIES:

(1) REGULATION 9. SUBSTITUTE FOR EVIDENTIARY RULE WAS ADOPTED. PROVIDES FOR INVESTIGATION OF VISIBLE TRACES WHICH CAN BE CASUALLY CONNECTED WITH SHIP BUT LACKS EVIDENTIARY FEATURE IN NATURE OF REBUTTABLE PRESUMPTION OR PRIMA FACIE CASE.

(2) FIXED AND FLOATING DRILLING RIGS WOULD BE REQUIRED TO MEET STANDARDS APPLICABLE TO SHIPS 400 GT AND ABOVE, OTHER THAN TANKERS, WITH AS FAR AS PRACTICABLE QUALIFICATION ON MONITORING EQUIPMENT AND SLUDGE TANKS AND WITH SUITABLE RECORD SUBSTITUTED FOR OIL RECORD BOOK. IN EFFECT THIS MEANS 15 PPM DISCHARGE STANDARD.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 LONDON 12464 03 OF 03 261324Z

(3) REGULATION ON RECEPTION FACILITIES WAS ADOPTED
IN SUBSTANTIAL CONFORMANCE WITH US PROPOSAL.

(E) NOTWITHSTANDING CONTRACT DATE OF 1972 IN 71
AMENDMENTS TO 54 CONVENTION PRESCRIBING TANK SIZE LIMITATIONS,
COMMITTEE BY VOTE 11 TO 10 DECIDED ON CONTRACT DATE OF 1974 FOR
REGULATION 24 WHICH IN ALL OTHER RESPECTS REFLECTS 71 AMENDMENT
PROVISIONS. JAPAN HAS EXPRESSED INTENTION TO ATTEMPT REVERSE THIS
DECISION DURING PLENARY SESSION. US DELEGATION WILL COLLABORATE
IN THIS EFFORT.
ANNENBERG

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WATER POLLUTION, LAW OF THE SEA, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973LONDON12464
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731010/aaaaagvf.tel
Line Count: 348
Locator: TEXT ON-LINE
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: hilburpw
Review Comment: n/a
Review Content Flags:
Review Date: 08 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08-Aug-2001 by reddocgw>; APPROVED <16-Aug-2001 by hilburpw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IMCO MARINE POLLUTION CONFERENCE, SUMMARY OCTOBER 17 - 25
TAGS: PBOR, SENV, ETRN, IMCO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005